

COUNCIL MEETING NOTICE AND AGENDA
THURSDAY, JANUARY 17, 2013
9:00 A.M. OR SOON THEREAFTER

COUNCIL CHAMBERS
HISTORIC COUNTY BUILDING
4396 RICE STREET, SUITE 209
Līhu'e, Kaua'i, Hawai'i 96766

RECEIVED

'13 JAN 10 P4:45

A. MEETING CALLED TO ORDER.

B. ROLL CALL.

C. APPROVAL OF AGENDA.

D. MINUTES of the following meetings of the Council:

1. November 28, 2012 Council Meeting
2. December 12, 2012 Special Council Meeting
3. December 19, 2012 Council Meeting
4. December 19, 2012 Public Hearing re: Bill No. 2458
5. December 19, 2012 Special Council Meeting
6. January 4, 2013 Special Council Meeting

E. CONSENT CALENDAR:

1. C 2013-26 Communication (12/14/2012) from the County Engineer, transmitting for Council consideration, amendments to Ordinance No. B-2012-737, as amended, relating to the Fiscal Year 2012-2013 Capital Budget, to transfer \$740,000.00 from the Pi'ikoi Interior Renovation Phase II Project (W12053) to the Hardy Street Improvements (W12020) Project, which is necessary to assure adequate funds to meet the twenty percent (20%) match requirement for the Federal Highways Administration (FHWA) total funding amount of \$8,028,000.00. Additional FHWA funds have been secured to supplement the current Capital Improvement Project (CIP) budget of \$869,200.00 to fund the required total match. *(See Proposed Draft Bill (No. 2462))*
2. C 2013-27 Communication (01/08/2013) from Councilmember Bynum, transmitting for Council consideration, a Resolution Supporting the Reauthorization of the Violence Against Women Act (VAWA) in a manner that expands, rather than limits, protections for persons who experience domestic violence, sexual assault, or stalking. *(See Resolution No. 2013-11)*

3. C 2013-28 Communication (12/14/2012) from the County Auditor, transmitting for Council information, the Comprehensive Annual Financial Report (CAFR), Single Audit Report, and Management Advisory Report for the Period Ending June 30, 2012. *(Copies of the CAFR, Single Audit Report, and Management Advisory Report on file in the County Clerk's Office.)*
4. C 2013-29 Communication (12/18/2012) from the County Auditor, transmitting for Council information, N&K CPAs, Inc.'s Independent Accountants' Report on Applying Agreed-Upon Procedures reflecting the Funded Indebtedness Outstanding and Unpaid as of June 30, 2012.
6. C 2013-30 Communication (01/04/2013) from the Mayor, transmitting for Council consideration and confirmation the following Mayoral appointees to the various Boards and Commissions for the County of Kaua'i: *(Copies of applications on file in the Clerk's Office.)*
- (1) Board of Water Supply
- Ross A. Nakashima – Term ending 12/31/2015
- (2) Fire Commission
- Eugene Keith Jimenez – Term ending 12/31/2013
7. C 2013-31 Communication (01/04/2013) from the Mayor, transmitting for Council consideration and confirmation the following Mayoral Reappointments to the various Boards and Commissions for the County of Kaua'i:
- (1) Building Board of Appeals
- Glen Satoru Taba – Term ending 12/31/2015
- Duane Ray Curammeng – Term ending 12/31/2015
- (2) Board of Ethics
- Kathleen Ann Clark – Term ending 12/31/2015
- Warren C. R. Perry – Term ending 12/31/2015
- (3) Charter Review Commission
- Jan W. TenBruggencate – Term ending 12/31/2015
- Mary Lou Barela – Term ending 12/31/2015
- Joel Dennis Guy – Term ending 12/31/2015
- (4) Civil Service Commission
- Roy M. Morita – Term ending 12/31/2015
- (5) Cost Control Commission
- Laurie Lynn Koike Yoshida – Term ending 12/31/2015

- Dirk Kapualani Joseph Apao – Term ending 12/31/2015
 - (6) Fire Commission
 - Clifton J. Miranda – Term ending 12/31/2015
 - (7) Liquor Control Commission
 - Josephine Ann Sokei – Term ending 12/31/2015
 - (8) Police Commission
 - Bradley Chiba – Term ending 12/31/2015
 - Ernest L. Kanekoa, Jr. – Term ending 12/31/2015
 - James Raymond O'Connor – Term ending 12/31/2015
 - (10) Salary Commission
 - Jo Ann Shimamoto – Term ending 12/31/2015
 - Michael Chavez Machado – Term ending 12/31/2015
8. C 2013-32 Communication (01/04/2013) from the Council Chair, transmitting for Council consideration a Resolution confirming Council Appointee Theodore Kawahinehelelani Blake to the Public Access, Open Space, and Natural Resources Preservation Fund Commission (Kōloa-Po'ipū-Kalāheo). *(Copy of application on file in the Clerk's Office.) (See Resolution No. 2013-31)*

F. COMMUNICATION:

1. C 2013-33 Communication (12/18/2012) from the Director of Finance, transmitting for Council information, the Schedule of Fund Balances for the Fiscal Year Ended June 30, 2012, pursuant to Section 19.14 of the Kaua'i County Charter.
2. C 2013-34 Communication (12/26/2012) from the Chief of Police, requesting Council approval to accept and utilize a vehicle acquired through the Asset Forfeiture Program. The vehicle will replace a previously disposed of vehicle (Dark Blue 2000 Honda Odyssey Van LX, VIN# 2HKRL1852YH519618) assigned to the Vice/Narcotics Unit and be used for law enforcement purposes.
3. C 2013-35 Communication (12/17/2012) from the Chief of Police, requesting Council approval to expend Asset Forfeiture Funds (Account No. 206-1001-551.30-00) to purchase a Power Document Management System (DMS) Suite computer software program for \$12,500.00 and a \$2,500.00 standard fee to provide each employee of the Kaua'i Police Department a user license for three (3) years. The Power DMS Suite is a recommended computer program by the Commission on Accreditation for Law Enforcement Agencies (C.A.L.E.A.).

4. C 2013- 36 Communication (12/14/2012) from the Director of Finance, transmitting for Council information the Condition of the County Treasury as of November 2, 2012.
5. C 2013-37 Communication (12/17/2012) from the Executive on Aging, requesting Council approval to receive and expend State funds in the amount of \$170,485.00 for the provision of two (2) evidence based programs which include the Chronic Disease Self-Management Program and the EnhanceFitness Program, and to indemnify the State of Hawai'i, Executive Office on Aging.
6. C 2013-38 Communication (12/10/2012) from the Director of Finance, requesting Council approval to dispose of government records in the Department of Finance, Accounting Division, pursuant to Hawai'i Revised Statutes (HRS) 46-43(c) and Resolution No. 49-86 (1986), as amended. The reports and records have met the seven (7) and ten (10) year retention periods:
- (1) Seven (7) Year retention:
 - Cash Receipts: 2002 to, and including June 30, 2005,
 - Payroll checks: 2004 to, and including June 30, 2005,
 - Accounts Payable cancelled checks: 2003 to, and including June 30, 2005,
 - Accounts Payable Registers: 2004 to, and including June 30, 2005,
 - Inventory Files: 2003 to, and including June 30, 2005.
 - (2) Ten (10) Year retention:
 - Accounts Payable: November 2001 to, and including June 30, 2002.
7. C 2013-39 Communication (12/13/2012) from the Council Chair requesting the presence of the Civil Defense Manager to provide an update on the new tsunami inundation modeling and appropriate tsunami evacuation signage for the County of Kaua'i.
8. C 2013-40 Communication (12/06/2012) from the Assistant Chief of Police, Investigative Services Bureau, requesting Council approval to accept a donation of four thousand dollars (\$4,000.00), a portion of which, along with previous Grant moneys, will off-set the cost of hosting the upcoming Statewide Annual Inter-County Criminal Intelligence Unit (ICCIU) Conference in April 2013.

9. C 2013-41 Communication (12/11/2012) from the Accounting Systems Administrator, Department of Finance, transmitting for Council approval the Accounting Division's request to reclassify three (3) of the the County of Kaua'i's Funds: Housing Fund, Sewer Fund, and Golf Fund from Enterprise Funds to Special Revenues Funds. The reclassification would be reflected in the Comprehensive Annual Financial Report (CAFR) for the Fiscal Year Ending June 30, 2013.
10. C 2013-42 Communication (01/08/2013) from the County Attorney requesting authorization to expend additional funds of up to \$15,000.00 to enable Special Counsel's continued representation in Kathleen M. Ah Quin vs. County of Kaua'i, Department of Transportation, et al., Civil No. CV08-00507 JMS BMK, U.S. District Court, and related matters.
11. C 2013-43 Communication (01/10/2013) from the Council Chair requesting the presence of the County Attorney to provide a briefing to the Council on the following:
- The County's authority to implement legislation relating to air pollution control as it relates to fireplaces and other wood-burning appliances; and,
 - An overview of the State Clean Air Branch policies relating to air pollution control and "no burn" periods.

G. LEGAL DOCUMENTS:

1. C 2013-44 Communication (12/17/2012) from the Director of Parks & Recreation, requesting Council approval of the License Agreement between the Boys and Girls Club of Hawai'i and the County of Kaua'i, which extends the lease of the portable building located at the Kaua'i War Memorial Convention Hall (KWMCH), 4191 Hardy Street, Lihu'e, Hawai'i, 96766, TMK: (4) 3-6-002:009, adjacent to the parking lot and Lihu'e Baseball Park, for youth activities.
- License Agreement
2. C 2013-45 Communication (01/08/2013) from the Deputy County Attorney, recommending Council approval of the following relating to Brennecke's Beach Broiler and Po'ipū Beach Park Restrooms Sewer Connection:

- Conveyance of Wastewater Facilities; concerning real property identified as TMK (4) 2-8-017:001 (por.) and Ho'one Road.
- Cancellation and Surrender of Easement 9 and Grant of Easements for Wastewater Facilities; concerning TMK (4)2-8-017:023 (por.) and TMK (4) 2-8-017:015 (por.)
- Grant of Easements for Wastewater Facilities; concerning TMK (4) 2-8-017:011 (por.) and TMK (4) 2-8-017:023 (por.).

3. C 2013-46 Communication (12/26/2012) from the County Engineer, requesting Council approval of the indemnification Provisions Contained in the Kaua'i Island Utility Company (KIUC) Interconnection Agreement, Schedule "NEM Pilot" for County Renewable Energy Projects.

H. COMMITTEE REPORTS:

1. PUBLIC WORKS / PARKS & RECREATION COMMITTEE:

- a. **CR-PWPR 2013-02:** on PWPR 2013-02 Communication (11/29/2012) from the Council Chair, requesting the presence of the Director of Parks & Recreation, and Mr. Danny Way, Professional Skateboarder, to provide an update on all skate parks on Kaua'i. **[Received for the Record.]**
- b. **CR-PWPR 2013-03:** on Bill No. 2458 A BILL FOR AN ORDINANCE AMENDING SECTION 19-1.4 OF THE KAUAI COUNTY CODE 1987, AS AMENDED, RELATING TO PARKS AND RECREATION (General Prohibitions Applicable To All Parks And Recreation Facilities) **[Received for the Record.]**

I. RESOLUTIONS:

1. Resolution No. 2012-55, RESOLUTION ESTABLISHING NO PARKING AT ANY TIME ALONG PORTIONS OF PO'IPU ROAD IN THE KOLOA DISTRICT *(Deferred 11/28/2012)*

2. Resolution No. 2013-11, RESOLUTION SUPPORTING REAUTHORIZATION OF THE VIOLENCE AGAINST WOMEN ACT (VAWA)

3. Resolution No. 2013-12, RESOLUTION CONFIRMING MAYORAL APPOINTMENT TO THE BOARD OF WATER SUPPLY (*Ross A. Nakashima*)

4. Resolution No. 2013-13, RESOLUTION CONFIRMING MAYORAL APPOINTMENT TO THE FIRE COMMISSION (*Eugene Keith Jimenez*)

5. Resolution No. 2013-14, RESOLUTION CONFIRMING MAYORAL REAPPOINTMENT TO THE BUILDING BOARD OF APPEALS (*Glen Satoru Taba*)

6. Resolution No. 2013-15, RESOLUTION CONFIRMING MAYORAL REAPPOINTMENT TO THE BUILDING BOARD OF APPEALS (*Duane Ray Curammeng*)

7. Resolution No. 2013-16, RESOLUTION CONFIRMING MAYORAL REAPPOINTMENT TO THE BOARD OF ETHICS (*Kathleen Ann Clark*)

8. Resolution No. 2013-17, RESOLUTION CONFIRMING MAYORAL REAPPOINTMENT TO THE BOARD OF ETHICS (*Warren C. R. Perry*)

9. Resolution No. 2013-18, RESOLUTION CONFIRMING MAYORAL REAPPOINTMENT TO THE CHARTER REVIEW COMMISSION (*Jan W. TenBruggencate*)

10. Resolution No. 2013-19, RESOLUTION CONFIRMING MAYORAL REAPPOINTMENT TO THE CHARTER REVIEW COMMISSION (*Mary Lou Barela*)

11. Resolution No. 2013-20, RESOLUTION CONFIRMING MAYORAL REAPPOINTMENT TO THE CHARTER REVIEW COMMISSION (*Joel Dennis Guy*)

12. Resolution No. 2013-21, RESOLUTION CONFIRMING MAYORAL REAPPOINTMENT TO THE CIVIL SERVICE COMMISSION (*Roy M. Morita*)

13. Resolution No. 2013-22, RESOLUTION CONFIRMING MAYORAL REAPPOINTMENT TO THE COST CONTROL COMMISSION (*Laurie Lynn Koike Yoshida*)

14. Resolution No. 2013-23, RESOLUTION CONFIRMING MAYORAL REAPPOINTMENT TO THE COST CONTROL COMMISSION (*Dirk Kapualani Joseph Apao*)

15. Resolution No. 2013-24, RESOLUTION CONFIRMING MAYORAL REAPPOINTMENT TO THE FIRE COMMISSION (*Clifton J. Miranda*)

16. Resolution No. 2013-25, RESOLUTION CONFIRMING MAYORAL REAPPOINTMENT TO THE LIQUOR CONTROL COMMISSION (*Josephine Ann Sokei*)

17. Resolution No. 2013-26, RESOLUTION CONFIRMING MAYORAL REAPPOINTMENT TO THE POLICE COMMISSION (*Bradley Chiba*)

18. Resolution No. 2013-27, RESOLUTION CONFIRMING MAYORAL REAPPOINTMENT TO THE POLICE COMMISSION (*Ernest L. Kanekoa, Jr.*)

19. Resolution No. 2013-28, RESOLUTION CONFIRMING MAYORAL REAPPOINTMENT TO THE POLICE COMMISSION (*James Raymond O'Connor*)

20. Resolution No. 2013-29, RESOLUTION CONFIRMING MAYORAL REAPPOINTMENT TO THE SALARY COMMISSION (*Jo Ann Shimamoto*)

21. Resolution No. 2013-30, RESOLUTION CONFIRMING MAYORAL REAPPOINTMENT TO THE SALARY COMMISSION (*Michael Chavez Machado*)

22. Resolution No. 2013-31, RESOLUTION CONFIRMING COUNCIL APPOINTMENT TO THE PUBLIC ACCESS, OPEN SPACE, AND NATURAL RESOURCES PRESERVATION FUND COMMISSION (*Theodore Kawahinehelelani Blake*)

J. BILLS FOR FIRST READING:

1. Proposed Draft Bill (No. 2462) AN ORDINANCE AMENDING ORDINANCE NO. B-2012-737 AS AMENDED, RELATING TO THE CAPITAL BUDGET OF THE COUNTY OF KAUAI, STATE OF HAWAII, FOR THE FISCAL YEAR JULY 1, 2012 THROUGH JUNE 30, 2013, BY REVISING THE AMOUNTS ESTIMATED IN THE BOND FUND (*Hardy Street Improvements \$740,000.00*)

K. BILLS FOR SECOND READING:

1. Bill No. 2458 – A BILL FOR AN ORDINANCE AMENDING SECTION 19-1.4 OF THE KAUAI COUNTY CODE 1987, AS AMENDED, RELATING TO PARKS AND RECREATION (General Prohibitions Applicable To All Parks And Recreation Facilities) (*See also CR-PWPR 2013-03; Public Works / Parks & Recreation Committee recommended Bill No. 2458 be received for the record.*)

L. EXECUTIVE SESSION: Pursuant to Haw. Rev. Stat. ("H.R.S.") §92-7(a), the Council may, when deemed necessary, hold an executive session on any agenda item without written public notice if the executive session was not anticipated in advance. Any such executive session shall be held pursuant to H.R.S. §92-4 and shall be limited to those items described in H.R.S. §92-5(a). (Confidential reports on file in

the County Attorney's Office and/or the County Clerk's Office. Discussions held in Executive Session are closed to the public.)

1. ES-590 Pursuant to Haw.Rev.Stat. §§92-4 and 92-5(a)(4), (6) and (8), and Kaua'i County Charter section 3.07(E), the purpose of this executive session is to provide the Council with a briefing on Kathleen M. Ah Quin v. County of Kaua'i, Department of Transportation, et al., Civil No. 08-00507 JMS BMK, U.S. District Court, and related matters. This briefing and consultation involves consideration of the powers, duties, privileges, immunities and/or liabilities of the Council and the County as they relate to this agenda item.

M. ADJOURNMENT.

- N. PUBLIC HEARING NOTE: If the Council is not finished with this meeting by approximately 1:30 p.m., it will recess for public hearings on the following. After the public hearings, the Council will reconvene to complete any unfinished business.

*[*For complete information, including a summary of the item, please refer to the official Notice of Public Hearing. The official Notice of Public Hearing has been published, posted on the bulletin board, and filed in the County Clerk's Office as required by law. Notwithstanding this Council Agenda, the Council may hold a public hearing on any item which has been posted in advance in compliance with the Sunshine Law.]*

For a copy of the notice, please go to:

<http://www.kauai.gov/Government/CountyCouncil/CouncilAgendasandPublicHearingNotices/tabid/73/Default.aspx>

1. Bill No. 2439 - A BILL FOR AN ORDINANCE AMENDING CHAPTER 8, KAUA'I COUNTY CODE 1987, AS AMENDED, RELATING TO THE COUNTY OF KAUA'I PLANNING DEPARTMENT CIVIL FINES
2. Bill No. 2460 - A BILL FOR AN ORDINANCE AMENDING CHAPTER 12, OF THE KAUA'I COUNTY CODE 1987, AS AMENDED, ENTITLED "BUILDING CODE"
3. Bill No. 2461 - A BILL FOR AN ORDINANCE TO AMEND CHAPTER 8, KAUA'I COUNTY CODE 1987, AS AMENDED, RELATING TO THE COMPREHENSIVE ZONING ORDINANCE (*Amendments to the Shoreline Setback Ordinance*)

O. NOTE: SPECIAL ACCOMMODATIONS AND SIGN LANGUAGE INTERPRETER AND INTERPRETERS FOR NON-ENGLISH SPEAKING PERSONS ARE AVAILABLE UPON REQUEST FIVE (5) DAYS PRIOR TO THE MEETING DATE, TO THE COUNTY CLERK, 4396 RICE STREET, SUITE 209, LĪHU'E, KAUA'I. TELEPHONE NO. (808) 241-4188. FACSIMILE NO. (808) 241-6349.